

**REMARKS**

This response is supplement the Amendment filed April 27, 2010.

Applicants thank Examiner Monshipouri for her time and helpful comments during the recent telephone interviews, including those on July 2<sup>nd</sup> and 7<sup>th</sup>, 2010, with the undersigned.

In the interviews, Examiner Monshipouri indicated that the application contains allowable subject matter, but the claims should be written to avoid confusing, redundant and unnecessary terminology (e.g., unnecessary recitations of inherent properties of the genes), which appear to be the result of an English translation from a foreign priority document. Examiner Monshipouri suggested revising the claims, in a non-narrowing manner, to better conform to US claim form and practice. It was suggested that independent claim 24 be revised, in a non-narrowing manner, to reflect the elected invention as follows: "a recombinant mammalian animal cell transformed with a baculovirus p35 gene encoding a protein that inhibits caspase activity and/or potentiates protein biosynthesis, and a gene encoding for a protein selected from the group consisting of ecarin, fibrinogen, and blood coagulation factor VIII."

Claim 24 has been amended in this manner by way of the present amendment. Support can be found throughout the disclosure (e.g., page 19, line 13 to page 20, line 14) and

original claims (e.g., original claims 1, 3, 4, and 13, 15, and 16). The remaining claims have been amended, in a non-narrowing manner, to be consistent with the revisions to claim 24 and to better conform to US claim form and practice. No new matter has been added. The revisions are unrelated to patentability and are not intended to narrow the scope of protection.

Claims 25, 28, 40, and 46 have been cancelled without prejudice or disclaimer thereto. Claims 25 and 40 were deemed unnecessary for reciting inherent properties, thereby making them redundant to the remaining claims. Applicants reserve the right to file a continuation or divisional application on any cancelled subject matter.

Examiner Monshipouri also noted that even if the claims are amended in the suggested manner, they will be subject to a provisional rejection for non-statutory obviousness-type double patenting over certain claims in copending application serial no. 10/566,266 (in the name of the Applicants). The '266 application contains claims directed to: a process for producing a recombinant fibrinogen producing cell which highly produces fibrinogen (claims 23 and 37), the recombinant fibrinogen highly producing cell thereof (claim 38), as well as, fibrinogen produced thereby (claim 42). To expedite prosecution, it was suggested that a terminal disclaimer be filed to remove this concern to thereby preclude the double patenting rejection in new

Official Action. For the sole purpose of expediting prosecution and not to acquiesce to the examiner's position, Applicants have concurrently submitted a terminal disclaimer over the claims in copending application serial no. 10/566,266. The terminal disclaimer removes the double patenting issue as to the noted copending application.

Claims 24, 30-39, and 41-45 are pending upon entry of this amendment, and these claims are believed to be patentable for the reasons discussed herein. Again, the claims, as amended, correspond to the subject matter indicated as allowed by the examiner. Thus, it is respectfully submitted that the claims are in condition for allowance and favorable action thereon is requested.

If the examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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## **Appendix**

The Appendix includes the following item(s):

- Terminal Disclaimer